

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 02-0820-1051

ELECTIONS: UNIT AV-125  
(herein "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously executed in the captioned matter on July 11, 2003 which was recorded at Deed Book 587, Page 353 in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on July 14, 2003, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit AV-125;

Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, Corporate Trust PA1328, 123 Broad Street, Philadelphia, PA 19109-1199, Attn: Rachel Rafferty or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

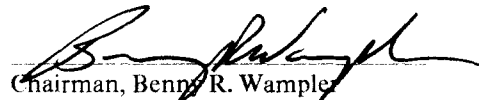
ENCLOSURE

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 6<sup>th</sup> day of March, 2004, by a majority of the Virginia Gas and Oil Board.

  
Chairman, Benny R. Wampler


STATE OF VIRGINIA  
COUNTY OF WISE

Acknowledged on this 6<sup>th</sup> day of March, 2004, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Susan G. Garrett  
Notary

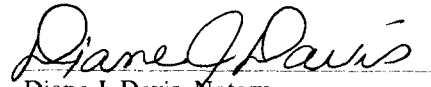
My commission expires: 7-31-06

DONE AND PERFORMED THIS 22<sup>nd</sup> day of March, 2004, by Order of the Board.

  
B. R. Wilson,  
Principal Executive to the Board

STATE OF VIRGINIA  
COUNTY OF WASHINGTON

Acknowledged on this 22<sup>nd</sup> day of March, 2004, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Director of the Division of Gas & Oil Board and Principal Executive to the Board, that he executed the same and was authorized to do so.

  
Diane J. Davis, Notary

My commission expires: 9/30/05

Order Recorded Under Code of  
Virginia Section 45.1-361.26

VIRGINIA:

## Exhibit A

## BEFORE THE VIRGINIA GAS AND OIL BOARD

## IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit AV-125  
VGOB 02-0820-1051 in the New Garden District of Russell County, Virginia

**AFFIDAVIT OF CNX GAS COMPANY LLC (herein "Designated Operator") REGARDING ELECTIONS,  
ESCROW AND SUPPLEMENTAL ORDER**

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Gas Company LLC, as a Manager - Environmental / Permitting and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on July 11, 2003, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on July 14, 2003;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of July 11, 2003;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

See attached Exhibit B-2

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

Jammie E. Lester (prev. listed as Jamie Richardson), Jeannie L. Sparks (prev. listed as Jeannie Richardson), Wanda Salyers and Jimmy Newberry

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict. At the time the previous order was filed, there were no existing royalty split agreements. In the interim, the conflicting parties in Tract 3 have entered into an agreement and escrowing is not required.

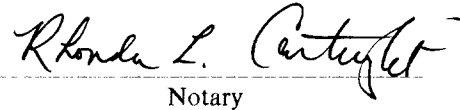
See attached Exhibit EE

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Tazewell, Virginia, this 25<sup>th</sup> day of February, 2004.

  
Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as a Manager - Environmental / Permitting for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 25<sup>th</sup> day of February, 2004.

  
Notary

My commission expires: 10/31/05.

Exhibit B-2  
Unit AV-125  
Docket #VGOB 02-0820-1051  
List of all Owners/Claimants  
(48.91 Acre Unit)

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	Acres in Unit	Interest in Unit	Reason for Dismissal
<b>II. OIL &amp; GAS FEE OWNERSHIP</b>			
<b><u>Tract #2D, 1.95 acres</u></b>			
(1) Noah Newberry Heirs, Devisees, Successors or Assigns	1.95 acres	3.9869%	
(h) Elbert Newberry Heirs, Devisees, Successors or Assigns			
(h.3) Wanda Salyers 19198 Jonesboro Road Abingdon, VA 24211	0.0722 acres 1/27 of 1.95 acres	0.1477%	Leased
(i) Jimmy Newberry P.O. Box 361 Doran, VA 24612	0.2167 acres 1/9 of 1.95 acres	0.4430%	Leased
<b><u>Tract #3, 1.85 acres</u></b>			
(1) Mary Richardson, et al.	1.85 acres	3.7825%	
(b) Jammie E. Lester Rt.2 Box 7925 Cedar Bluff, VA 24609 (prev. listed as Jamie Richardson)	0.617 acres 1/3 of 1.85 acres	1.2608%	Not an owner
(c) Jeannie L. Sparks P.O. Box 212 Cedar Bluff, VA 24609 (prev. listed as Jeannie Richardson)	0.617 acres 1/3 of 1.85 acres	1.2608%	Not an owner

Exhibit B-3  
Unit AV-125  
Docket #VGOB 02-0820-1051  
List of all Owners/Claimants  
(48.91 Acre Unit)

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	Acres in Unit	Interest in Unit
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II. OIL & GAS FEE OWNERSHIP

Tract #2D, 1.95 acres

(1) Noah Newberry Heirs, Devisees, Successors or Assigns	1.95 acres	3.9869%
(a) Hazel Richardson Heirs, Devisees, Successors or Assigns		
(a.1) Paul E. Richardson 8444 S. County Rd. 350W Stilesville, IN 46180-9728	0.0310 acres 1/63 of 1.95 acres	0.0633%
(a.2) Laudy Richardson Heirs, Devisees, Successors or Assigns		
(a.2.1) Shelby Ruth Richardson, Widow 6169 Turner Drive Clayton, IN 46118	0.0310 acres 1/63 of 1.95 acres	0.0633%
(a.5) Leonard Richardson 502 S. Holt Road Indiapolis, IN 46241	0.0310 acres 1/63 of 1.95 acres	0.0633%
(a.6) Bobby Richardson 2255 Road Ridge Turnpike Raven, VA 24639	0.0310 acres 1/63 of 1.95 acres	0.0633%
(b) Frazier Newberry Heirs, Devisees, Successors or Assigns		
(b.1) Steve Allen Short P.O. Box 63 Doran, VA 24612	0.2167 acres 1/9 of 1.95 acres	0.4430%
(c) Madeline Vance Heirs, Devisees, Successors or Assigns		
(c.2) Leda Jo Lester P.O. Box 400 Doran, VA 24612	0.0361 acres 1/54 of 1.95 acres	0.0738%
(c.5) Judy Vance P.O. Box 131 Swords Creek, VA 24649	0.0361 acres 1/54 of 1.95 acres	0.0738%
(c.6) Cathy Vance P.O. Box 131 Swords Creek, VA 24649	0.0361 acres 1/54 of 1.95 acres	0.0738%
(d) Sylvia Short Heirs, Devisees, Successors or Assigns		

**Exhibit B-3**  
**Unit AV-125**  
**Docket #VGOB 02-0820-1051**  
**List of all Owners/Claimants**  
**(48.91 Acre Unit)**

	Acres in Unit	Interest in Unit
(d.1) Roger Short P.O. Box 44 Doran, VA 24612	0.0361 acres 1/54 of 1.95 acres	0.0738%
(d.2) Linda Sue Berry 623 Crestwood Drive Richlands, VA 24641	0.0361 acres 1/54 of 1.95 acres	0.0738%
(d.4) Connie McFarland P.O. Box 516 Richlands, VA 24641	0.0361 acres 1/54 of 1.95 acres	0.0738%
(d.5) Steve Allen Short P.O. Box 63 Doran, VA 24612	0.0361 acres 1/54 of 1.95 acres	0.0738%
(d.6) Marvin Short Rt.1 Box 647A Swords Creek, VA 24649	0.0361 acres 1/54 of 1.95 acres	0.0738%
(g) Juanita Byrd Heirs, Devisees, Successors or Assigns		
(g.1) Patricia Vanover P.O. Box 671 Doran, VA 24612	0.0722 acres 1/27 of 1.95 acres	0.1477%

Exhibit E  
Unit AV-125  
Docket #VGOB 02-0820-1051  
List of Conflicting Owners/Claimants that require escrow  
(48.91 Acre Unit)

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	Acres in Unit	Interest in Unit
<b><u>Tract #2A, 16.91 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Stuart Land & Cattle Co. of Virginia, Inc. Box 147 Rosedale, VA 24280	16.91 acres	34.5737%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Melvin J. R. Stilwell, et ux. Rt.1 Box 314 Raven, VA 24639	16.91 acres	34.5737%
<b><u>Tract #2B, 3.80 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Stuart Land & Cattle Co. of Virginia, Inc. Box 147 Rosedale, VA 24280	3.80 acres	7.7694%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Melvin J. R. Stilwell, et ux. Rt.1 Box 314 Raven, VA 24639	3.80 acres	7.7694%
<b><u>Tract #2C, 2.07 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Stuart Land & Cattle Co. of Virginia, Inc. Box 147 Rosedale, VA 24280	2.07 acres	4.2323%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Clarence Stilwell, et ux. RR1 Box 313 Raven, VA 24639-9602	2.07 acres	4.2323%
<b><u>Tract #2D, 1.95 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Stuart Land & Cattle Co. of Virginia, Inc. Box 147 Rosedale, VA 24280	1.95 acres	3.9869%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Noah Newberry Heirs, Devisees, Successors or Assigns	1.95 acres	3.9869%



## Exhibit E

Unit AV-125

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List of Conflicting Owners/Claimants that require escrow  
(48.91 Acre Unit)

	Acres in Unit	Interest in Unit
(a) Hazel Richardson Heirs, Devisees, Successors or Assigns		
(a.1) Paul E. Richardson 8444 S. County Rd. 350W Stilesville, IN 46180-9728	0.0310 acres 1/63 of 1.95 acres	0.0633%
(a.2) Laudy Richardson Heirs, Devisees, Successors or Assigns		
(a.2.1) Shelby Ruth Richardson, Widow 6169 Turner Drive Clayton, IN 46118	0.0310 acres 1/63 of 1.95 acres	0.0633%
(a.3) Evangeline Blake 1212 Mary Ellen Avenue Chesapeake, VA 23324	0.0310 acres 1/63 of 1.95 acres	0.0633%
(a.4) Francis Dye 460 Middle Creek Road Cedar Bluff, VA 24609	0.0310 acres 1/63 of 1.95 acres	0.0633%
(a.5) Leonard Richardson 502 S. Holt Road Indiapolis, IN 46241	0.0310 acres 1/63 of 1.95 acres	0.0633%
(a.6) Bobby Richardson 2255 Road Ridge Turnpike Raven, VA 24639	0.0310 acres 1/63 of 1.95 acres	0.0633%
(a.7) Larry Richardson P.O. Box 328 North Tazewell, VA 24630	0.0310 acres 1/63 of 1.95 acres	0.0633%
(b) Frazier Newberry Heirs, Devisees, Successors or Assigns		
(b.1) Steve Allen Short P.O. Box 63 Doran, VA 24612	0.2167 acres 1/9 of 1.95 acres <i>(Also inherited an interest from his mother, Sylvia Short - for a total of 7/54)</i>	0.4430%
(c) Madeline Vance Heirs, Devisees, Successors or Assigns		
(c.1) Carlos Vance P.O. Box 25 Swords Creek, VA 24649	0.0361 acres 1/54 of 1.95 acres	0.0738%
(c.2) Leda Jo Lester P.O. Box 400 Doran, VA 24612	0.0361 acres 1/54 of 1.95 acres	0.0738%
(c.3) Mary Sparks P.O. Box 31 Swords Creek, VA 24649	0.0361 acres 1/54 of 1.95 acres	0.0738%

**Exhibit E**  
**Unit AV-125**  
**Docket #VGOB 02-0820-1051**  
**List of Conflicting Owners/Claimants that require escrow**  
**(48.91 Acre Unit)**

	Acres in Unit	Interest in Unit
(c.4) Carrie Dell Boyd RR1 Box 387 Swords Creek, VA 24649	0.0361 acres 1/54 of 1.95 acres	0.0738%
(c.5) Judy Vance P.O. Box 131 Swords Creek, VA 24649	0.0361 acres 1/54 of 1.95 acres	0.0738%
(c.6) Cathy Vance P.O. Box 131 Swords Creek, VA 24649	0.0361 acres 1/54 of 1.95 acres	0.0738%
(d) Sylvia Short Heirs, Devisees, Successors or Assigns		
(d.1) Roger Short P.O. Box 44 Doran, VA 24612	0.0361 acres 1/54 of 1.95 acres	0.0738%
(d.2) Linda Sue Berry 623 Crestwood Drive Richlands, VA 24641	0.0361 acres 1/54 of 1.95 acres	0.0738%
(d.3) Carrie Miller P.O. Box 360 Swords Creek, VA 24649	0.0361 acres 1/54 of 1.95 acres	0.0738%
(d.4) Connie McFarland P.O. Box 516 Richlands, VA 24641	0.0361 acres 1/54 of 1.95 acres	0.0738%
(d.5) Steve Allen Short P.O. Box 63 Doran, VA 24612	0.0361 acres 1/54 of 1.95 acres	0.0738%
(d.6) Marvin Short Rt.1 Box 647A Swords Creek, VA 24649	0.0361 acres 1/54 of 1.95 acres	0.0738%
(e) Pauline Muse 999 Westover Drive High Point, NC 27265	0.2167 acres 1/9 of 1.95 acres	0.4430%
(f) Junior Newberry P.O. Box 988 Raven, VA 24639	0.2167 acres 1/9 of 1.95 acres	0.4430%
(g) Juanita Byrd Heirs, Devisees, Successors or Assigns		
(g.1) Patricia Vanover P.O. Box 671 Doran, VA 24612	0.0722 acres 1/27 of 1.95 acres	0.1477%

Exhibit E  
Unit AV-125  
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List of Conflicting Owners/Claimants that require escrow  
(48.91 Acre Unit)

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	Acres in Unit	Interest in Unit
(g.2) Tammy Hardman 526 Dogwood Court High Point, NC 27260	0.0722 acres 1/27 of 1.95 acres	0.1477%
(g.3) Debbie Ann Martin Heirs, Devisees, Successors or Assigns		
(g.3.1) Chad Martin 146 Lee Avenue Ashland, OH 44805	0.0722 acres 1/27 of 1.95 acres	0.1477%
(h) Elbert Newberry Heirs, Devisees, Successors or Assigns		
(h.1) Arlen Newberry Heirs, Devisees, Successors or Assigns		
(h.1.1) Janice Newberry, widow 281 Mill Creek Road Raven, VA 24639	0.0722 acres 1/27 of 1.95 acres	0.1477%
(h.2) Doris Ann Newberry 615 Prater Drive Richlands, VA 24641	0.0722 acres 1/27 of 1.95 acres	0.1477%
(h.3) Wanda Salyers 19198 Jonesboro Road Abingdon, VA 24211	0.0722 acres 1/27 of 1.95 acres	0.1477%
(i) Jimmy Newberry P.O. Box 361 Doran, VA 24612	0.2167 acres 1/9 of 1.95 acres	0.4430%

Exhibit EE  
Unit AV-125  
Docket #VGOB 02-0820-1051  
List of Conflicting Owners/Claimants with Royalty Split Agreements  
(48.91 Acre Unit)

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	Acres in Unit	Interest in Unit
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Tract #3, 1.85 acres

COAL FEE OWNERSHIP

(1) Swords Creek Land Partnership, Tr.21 P.O. Box 187 Tazewell, VA 24651	1.85 acres	3.7825%
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OIL & GAS FEE OWNERSHIP

(1) Mary Richardson Rt.1 Box 320 Raven, VA 24639	1.85 acres	3.7825%
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0401072

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 3-22, 2004. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 2:36 o'clock P.M, after payment of \$        tax imposed by Sec. 58.1-802.

Original returned this date to: Diane Davis

TESTE: DOLLIE M. COMPTON, CLERK  
BY: Jennifer Kendrick D. CLERK